

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION V

Name of Permittee: General Electric Company

Facility Location: One Neumann Way, Evendale, Ohio

EPA Identification Number: OHD 000 817 312

Effective Date: 10/29/90

Expiration Date: Ten (10) years from the effective date

Authorized Activities:

Pursuant to the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act (RCRA) of 1976, and the Hazardous and Solid Waste Amendments (HSWA) of 1984, (42 U.S.C. §6901 et seq.), and regulations promulgated thereunder by the United States Environmental Protection Agency (U.S. EPA) codified in Title 40 of the Code of Federal Regulations (CFR) Federal permit conditions (hereinafter called the permit) of the hazardous waste operating permit are issued to General Electric Company, (hereinafter called the Permittee), located at One Neumann Way, Evendale, Ohio.

The Hazardous Waste Operating Permit contains both the Federal permit conditions (contained herein) and State permit conditions issued by the State of Ohio's RCRA program authorized under 40 CFR Part 271 (hereinafter called the State Permit). When both this permit and the State Permit are effective, the Permittee has an effective Hazardous Waste Operating Permit which authorizes the Permittee to conduct hazardous waste management activities as specified in the Hazardous Waste Operating Permit.

Permit Approval

On June 30, 1989, the State of Ohio received final authorization pursuant to Section 3006 of RCRA, 42 U.S.C. §6926 and 40 CFR Part 271, to administer the pre-HSWA RCRA hazardous waste program. Since the State of Ohio has not yet received authorization to administer the new hazardous waste program requirements of HSWA, additional permit conditions must be issued by the U.S. EPA, to address these new requirements.

These additional conditions are contained in this permit. The Permittee must comply with all terms and conditions of this permit. This permit consists of the conditions contained herein (including those in any attachments) and the applicable regulations contained in 40 CFR Parts 260, 261, 264, 266, 268, 270 and 124, and applicable provisions in HSWA. Applicable regulations are those which are in effect on the date of issuance of this permit in accordance with 40 CFR §270.32(c).

This permit is based on the assumption that the information submitted by the Permittee, including information in the permit application and amendments is

accurate. Any inaccuracies found in this information may be grounds for the termination or modification of this permit (see 40 CFR §§ 270.41, 270.42, 270.43) and potential enforcement action. The Permittee must inform the U.S. EPA of any deviation from or changes in the information in the application as soon as it becomes aware of such deviation or changes.

The RCRA Permit is effective when both this permit and the State Permit are effective. The permit is effective as of 10/29/90, unless revoked and reissued, or terminated (40 CFR §270.41 and §270.42 and §270.43) or continued in accordance with 40 CFR §270.51.

Issued this _____ day of _____

by: _____
David A. Ullrich, Acting Director
Waste Management Division

General Electric Company
Evendale, Ohio

PERMIT INDEX

PERMIT CONDITIONS

I. Standard Conditions	1
II. Land Disposal Restrictions	7
III. Corrective Action Requirements	8
IV. Toxicity Characteristic	22
V. Schedule of Compliance	23

ATTACHMENTS:

- I. List of Solid Waste Management Units and Areas of Concern
- II. Scope of Work - Corrective Action Plan

I. STANDARD CONDITIONS

A. EFFECT OF PERMIT

The Permittee is allowed to manage hazardous waste in accordance with the conditions of this permit. Any management of hazardous waste not authorized in this permit is prohibited.

Compliance with this permit constitutes compliance, for purposes of enforcement, with Subtitle C of RCRA and 40 CFR Parts 264 and 270, regulations promulgated pursuant to HSWA except for those requirements not included in the permit which become effective by statute of which are promulgated under 40 CFR Part 268 restricting the placement of hazardous waste in or on the land. Issuance of this permit does not convey property rights of any sort or any exclusive privilege; nor does it authorize any injury to persons or property, any invasion of other private rights, or any infringement of State or local law or regulations. Compliance with the terms of this permit does not constitute a defense to any order issued or any action brought under Section 3013 or Section 7003 of RCRA; Section 104 or 106(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (42 U.S.C. §9601(a), et seq., commonly known as CERCLA); or any other law providing for protection of public health or the environment.

B. PERMIT ACTIONS

This permit may be modified, revoked and reissued, or terminated for cause as specified in 40 CFR §270.41, §270.42, and §270.43. This permit may also be reviewed and modified at any time by the U.S. EPA, after consideration of improvements in the state of control and measurement technology, to include any terms and conditions determined necessary to protect human health and the environment, pursuant to Section 3005(c)(3) of RCRA, 42 U.S.C. §6925(c)(3). The filing of a request for a permit modification, revocation and reissuance, or termination, or the notification of planned changes or anticipated noncompliance on the part of the Permittee does not stay the applicability or enforceability of any permit condition.

C. SEVERABILITY

The provisions of this permit are severable, and if any provision of this permit, or if the application of any provision of this permit to any circumstance is held invalid, the application of such provision to other circumstances and the remainder of this permit shall not be affected thereby.

D. DUTIES AND REQUIREMENTS

1. Duty to Comply. The Permittee shall comply with all conditions of this permit and the conditions applicable to all permits as set forth in 40 CFR §270.30, except to the extent and for the duration such noncompliance is authorized by an emergency permit. Any permit noncompliance, other than noncompliance authorized by an emergency permit, constitutes a violation of RCRA and HSWA and is grounds for enforcement action, permit termination, revocation and reissuance, modification, denial of a permit renewal application, or other appropriate action.
2. Duty to Reapply. The Permittee shall submit a complete application for a new permit at least 180 days before this permit expires unless: a) the Permittee no longer wishes to operate a hazardous waste management facility; or b) the Permittee is no longer required to have a RCRA permit; or c) permission for a later date has been granted by the Regional Administrator. The Regional Administrator shall not grant permission for applications to be submitted later than the expiration date of the existing permit.
3. Permit Expiration. The duration of this permit shall be for a fixed term not to exceed 10 years in conformance with 40 CFR §270.50. This permit and all conditions herein will remain in effect beyond the permit's expiration date if the Permittee has submitted a timely, complete application (see 40 CFR § 270.10 and applicable sections of 270.14 through 270.29) and through no fault of the Permittee, the Regional Administrator has not issued a new permit as set forth in 40 CFR §270.51.
4. Need to Halt or Reduce Activity Not a Defense. It shall not be a defense for the Permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.
5. Duty to Mitigate. In the event of releases or other noncompliance with the permit, the Permittee shall take all reasonable steps to minimize releases to the environment, and shall carry out such measures as are reasonable to prevent significant adverse impact on human health and the environment.

6. Proper Operation and Maintenance. The Permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the Permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems only when necessary to achieve compliance with the conditions of the permit.
7. Duty to Provide Information. The Permittee shall furnish to the Regional Administrator, within the time designated by the Regional Administrator, any relevant information which the Regional Administrator may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The Permittee shall also furnish to the Regional Administrator, upon request, copies of records required to be kept by this permit.
8. Inspection and Entry. The Permittee shall allow the Regional Administrator, or an authorized representative, upon the presentation of credentials and other documents as may be required by law, to:
 - a. Enter at reasonable times upon the Permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
 - b. Have access to and copy at reasonable times, any records that must be kept under the conditions of this permit;
 - c. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices or operations regulated or required under this permit; and
 - d. Sample or monitor at reasonable times, for the purposes of assuring permit compliance, or as otherwise authorized by RCRA, any substances or parameters at any location.
9. Recordkeeping. The Permittee shall retain all reports, records or other documents required by this permit, and records of all data used to complete the application for this permit for a period of at least 3 years from the date of the report, record, application, or other documents. Corrective action records must be maintained at least 3 years after corrective action activities have been completed. These periods may be extended by request of the Regional Administrator at any time and are automatically extended during the course of any unresolved enforcement action regarding this facility.

10. Reporting Planned Changes. The Permittee shall give notice to the Regional Administrator of any planned physical alterations or additions to the permitted facility as soon as possible, and at least 30 days before such alteration or addition is commenced.
11. Anticipated Noncompliance. The Permittee shall give advance notice to the Regional Administrator of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements. Such notice does not constitute a waiver of the Permittee's duty to comply with permit requirements.
12. Transfer of Permits. This permit may be transferred by the Permittee to a new owner or operator only after providing notice to the Regional Administrator and only if it is modified, or revoked and reissued, pursuant to 40 CFR §270.40(b)(2), §270.41(b)(2) or §270.42(a) and the State Permit is modified or revoked and reissued to the new owner and operator in accordance with Ohio Administrative Code. Before transferring ownership or operation of the facility during its operating life, the Permittee shall notify the new owner or operator, in writing, of the requirements of this permit and of 40 CFR Parts 264, 268 and 270 (including all applicable corrective action requirements), and shall provide a copy of the RCRA permit to the new owner or operator.
13. Compliance Schedule. Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date.
14. Twenty-four Hour Reporting. The Permittee shall report to the Regional Administrator any noncompliance with the permit which may endanger human health or the environment. Any such information shall be reported orally within 24 hours from the time the Permittee becomes aware of the circumstances. This report shall include the following:
 - a. Information concerning the release of any hazardous waste which may endanger public drinking water supplies;
 - b. Information concerning the release or discharge of any hazardous waste, or of a fire or explosion at the facility, which could threaten the environment or human health outside the facility. The description of the occurrence and its cause shall include:
 - (1) Name, address, and telephone number of the owner or operator;
 - (2) Name, address, and telephone number of the facility;

- (3) Date, time and type of incident;
- (4) Name and quantity of materials involved;
- (5) The extent of injuries, if any;
- (6) An assessment of actual or potential hazard to the environment and human health outside the facility, where this is applicable; and
- (7) Estimated quantity and disposition of recovered material that resulted from the incident.

A written submission shall also be provided within 5 days of the time the Permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the periods of noncompliance (including exact dates and times); steps taken to minimize impact on human health and the environment; whether the noncompliance has been corrected; and if not, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance. The Permittee need not comply with the 5-day written notice requirement if the Regional Administrator waives the requirement. Upon waiver of the 5-day requirement, the Permittee shall submit a written report within 15 days of the time the Permittee becomes aware of the circumstances.

- 15. Other Noncompliance. The Permittee shall report all other instances of noncompliance not otherwise required to be reported above, within 15 days of when the Permittee becomes aware of the noncompliance. The reports shall contain the information listed in Conditions I.D.14.
- 16. Other Information. Whenever the Permittee becomes aware that he failed to submit any relevant facts, or submitted incorrect information to the Regional Administrator, in the permit application or in any reports, records, or other documentation provided to the Regional Administrator, the Permittee shall promptly submit such facts or information.
- 17. Submittal of Reports or Other Information. All reports or other information required to be submitted by the terms of this permit shall be sent to:

RCRA Permitting Branch
U.S. EPA, Region V
230 South Dearborn Street (5HR-13)
Chicago, Illinois 60604
Attn: Ohio Section

18. All other requirements contained in RCRA, as amended and in 40 CFR §270.30, not set forth herein are hereby fully incorporated in this permit.

E. SIGNATORY REQUIREMENT

All reports or other information requested by the Regional Administrator shall be signed and certified as required by 40 CFR §270.11.

F. CONFIDENTIAL INFORMATION

In accordance with 40 CFR §270.12 and 40 CFR Part 2, Subpart B, any information submitted to the U.S. EPA pursuant to this permit may be claimed as confidential by the submitter. Any such claim must be asserted at the time of submission in the manner prescribed on the application form or instructions, or, in the case of other submissions, by stamping the words "Confidential Business Information" on each page containing such information. If no claim is made at the time of submissions, the U.S. EPA may make the information available to the public without further notice. If a claim is asserted, the information will be treated in accordance with the procedures in 40 CFR Part 2.

G. WASTE MINIMIZATION

The Permittee shall certify at least annually that the Permittee has a program in place to reduce the volume and toxicity of hazardous waste that the Permittee generates to the degree determined by the Permittee to be economically practicable; and that the proposed method of treatment, storage, or disposal is that practicable method currently available to the Permittee which minimizes the present and future threat to human health and the environment, in accordance with 40 CFR §264.73(b)(9) and Section 3005(h) of RCRA, (42 U.S.C. §6925 (h)). The certification shall be recorded, as it becomes available, and maintained in the operating record until closure of the facility.

In addition, the Permittee's biennial report shall contain the following:

1. A description of the efforts undertaken during the year to reduce the volume and toxicity of waste generated, as required by 40 CFR §264.75(h);
2. A description of the changes in volume and toxicity of waste actually achieved during the year in comparison to previous years, as required by 40 CFR §264.75(i); information for the years prior to 1984 is only required to the extent such information is available; and

3. The certification signed by the owner or operator of the facility or his authorized representative, as required by 40 CFR §264.75(j).

II. LAND DISPOSAL RESTRICTIONS

A. GENERAL WASTE RESTRICTIONS

1. Disposal Prohibitions. The Permittee shall comply with the applicable self-implementing requirements of 40 CFR Part 268, and all applicable land disposal restrictions which become effective by statute (RCRA Section 3004).
2. Dilution Prohibition. The Permittee shall not in any way dilute a restricted waste or the residue from treatment of a restricted waste as a substitute for adequate treatment to achieve compliance with 40 CFR Part 268, Subpart D, to circumvent the effective date of a prohibition or to otherwise avoid a prohibition in 40 CFR Part 268, Subpart C, or to circumvent a land disposal prohibition imposed by RCRA Section 3004, except as provided in 40 CFR 268.3 (b).

B. TESTING REQUIREMENTS

1. Before the Permittee treats, stores, or disposes of any hazardous waste, the Permittee must obtain a detailed chemical and physical analysis of a representative sample of the waste. At a minimum, this analysis must contain all the information which must be known in order to treat, store, or dispose of the waste in accordance with the requirements of 40 CFR Parts 264 and 268, and with the conditions of this permit.
2. For restricted wastes with treatment standards expressed as concentration in the waste extract, as specified in 40 CFR §268.41(a), the Permittee shall test the treatment residue, or an extract of such residues developed using the test methods described in Appendix I of 40 CFR Part 268 (Toxicity Characteristic Leaching Procedure or TCLP), to assure that the treatment residues or extract meet the applicable treatment standards of 40 CFR Part 268, Subpart D. Such testing shall be performed as required by 40 CFR §264.13.
3. For restricted wastes under 40 CFR §268.32 or RCRA Section 3004(d), which are not subject to any treatment standards under 40 CFR Part 268, Subpart D, the Permittee shall test the treatment residues according to the generator requirements specified under 40 CFR §268.32 to assure that the treatment residues comply with the applicable prohibitions of 40 CFR Part 268, Subpart C. Such testing shall be performed as required by 40 CFR §264.13.

4. Where the treatment residues do not comply with the applicable treatment standards of 40 CFR Part 268, Subpart D, or prohibitions of Subpart C, the Permittee shall comply with the notice requirements applicable to generators in 40 CFR §268.7(a)(1), if the treatment residues will be further managed at a different facility.
5. With each restricted waste or treatment residue sent to a treatment facility or a landfill, the Permittee shall comply with the notice requirements of 40 CFR §268.7(b)(1). The Permittee shall also comply with the certification requirements of 40 CFR §268.7(b)(2).
6. Except as provided for in 40 CFR §268.50(d), (e), and (f), the Permittee may only store restricted wastes in containers solely for the purpose of accumulating such quantities of hazardous waste as necessary to facilitate proper recovery, treatment or disposal provided that:
 - a. Each container is clearly marked to identify its contents and the date each period of accumulation begins;
 - b. The Permittee must comply with all applicable record requirements specified in 40 CFR §264.73.
7. Except as provided in 40 CFR §268.50(d), (e), and (f), the Permittee may store restricted wastes beyond 1 year; however, the Permittee bears the burden of proving that such storage was solely for the purpose of accumulating such quantities of hazardous wastes as are necessary to facilitate proper recovery, treatment or disposal. When storing liquid wastes containing polychlorinated biphenyls (PCBs) at concentrations greater than or equal to 50 ppm, the Permittee shall comply with the requirements of 40 CFR §761.65(b). These wastes must be removed from storage and treated or disposed as required by 40 CFR Part 268 within 1 year of the date such wastes are placed into storage. Condition II.B.6, above, that allows storage for over 1 year with specified demonstration, does not apply to any PCB-containing wastes.

III. CORRECTIVE ACTION REQUIREMENTS

A. SUMMARY OF RFA FINDINGS

A RCRA Facility Assessment (RFA) performed at the GE - Evendale facility in the summer of 1989 identified 135 solid waste management units (SWMUs) at the facility. A listing of these SWMUs, separated within 13 categories, is presented in Attachment I. A detailed description of each SWMU is presented in Section IV of the RFA document.

Also identified in the RFA were 20 Areas of Concern (AOC). These AOCs, listed in Attachment I and described in detail in Attachment C of the RFA, represent spills and leaks, primarily from underground tanks, that were reported to the Ohio Environmental Protection Agency (OEPA) Southwest District Office in Dayton, Ohio. Only those spills and leaks that were in excess of 100 gallons and exhibited no containment capability were included as AOCs.

An additional AOC comprised numerous underground storage tanks that were previously used for storage of product but became inactive and closed in place. These tanks are described in Attachment B and C of the RFA.

Site Assessment reports submitted to the Bureau of Underground Storage Tank Regulations in November 1989, described releases of product fuel into the soil and groundwater from up to six underground storage tanks located at Buildings 302 and 306. These areas are included as AOCs for purposes of corrective action.

Based on the above data, there is evidence of releases of hazardous waste and constituents to soil and groundwater from 13 SWMUs, and 22 AOCs, and a moderate to high potential from an additional 10 SWMUs. An unknown potential for releases exists for at least 38 more SWMUs and AOCs. These SWMUs and AOCs consist primarily of underground storage tanks in which the potential for a release is dependent upon the integrity of each unit.

Contamination of the groundwater has been well documented at the GE - Evendale site. Although the RFA and Site Assessment reports allude to a number of sources or potential sources, there is still much uncertainty surrounding the point source(s) for the groundwater contamination. Consequently, the SWMUs and AOCs identified above may represent only the initial list of areas that will require further investigation and potentially corrective action at the facility.

B. DEFINITIONS

For purposes of this Corrective Action Schedule of Compliance the following definitions shall apply:

"Facility" means all contiguous property under the control of the owner or operator seeking a permit under Subtitle C of RCRA.

"Release" means any spilling, leaking, pouring, emitting, emptying, discharging, injecting, pumping, escaping, leaching, dumping, or disposing of hazardous wastes (including hazardous constituents) into the environment (including the abandonment or discarding of barrels, containers, and other closed receptacles containing hazardous wastes or hazardous constituents).

"Solid waste management unit" means any discernible unit at which solid wastes have been placed at any time, irrespective of whether the unit was intended for the management of solid or hazardous waste. Such units include any areas of concern at a facility at which solid wastes have been routinely and systematically released.

"Hazardous waste" means a solid waste, or combination of solid wastes, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness; or pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed.

"Hazardous constituent" means any constituent identified in Appendix VIII of 40 CFR Part 261, or any constituent identified in Appendix IX of 40 CFR Part 264.

C. STANDARD CONDITIONS

1. Section 3004(u) of RCRA, as amended by HSWA, and 40 CFR §264.101 require that permits issued after November 8, 1984, address corrective action for releases of hazardous wastes including hazardous constituents from any solid waste management unit (SWMU) at the facility, regardless of when the waste was placed in the unit.
2. In accordance with RCRA Section 3004(v) and the regulations promulgated pursuant thereto, the Permittee must implement Corrective Action(s) beyond the facility property boundary, where necessary to protect human health and the environment, to address hazardous waste and hazardous constituents originating from the facility unless the Permittee demonstrates to the satisfaction of the Regional Administrator that, despite the Permittee's best efforts, the Permittee was unable to obtain the necessary permission to undertake such actions. The Permittee is not relieved of all responsibility to clean up a release that has migrated beyond the facility boundary where off-site access is denied. On-site measures to address such releases will be addressed under the RCRA Facility Investigation, Corrective Measures Study, and Corrective Measures Implementation phases, as determined to be necessary on a case-by-case basis.

3. Failure to submit the information required in this Corrective Action Schedule of Compliance, or falsification of any submitted information, is grounds for termination of this Permit (40 CFR §270.43). The Permittee shall ensure that all plans, reports, notifications, and other submissions to the Regional Administrator required in this Corrective Action Schedule of Compliance are signed and certified in accordance with 40 CFR §270.11. Two copies of these plans, reports, notifications or other submissions shall be submitted to the Regional Administrator and sent by certified mail or hand delivered to:

RCRA Permitting Branch
U.S. EPA, Region V
230 South Dearborn Street (5HR-13)
Chicago, Illinois 60604
Attn: Ohio Section

4. All plans and schedules required by the conditions of this Corrective Action Schedule of Compliance are, upon approval of the Regional Administrator, incorporated into this Schedule of Compliance by reference and become an enforceable part of this permit. Any noncompliance with such approved plans and schedules shall be termed noncompliance with this Permit. Extensions of the due dates for submittals may be granted by the Regional Administrator in accordance with the permit modification process under 40 CFR §270.41.
5. If the Regional Administrator determines that further actions beyond those provided in this Corrective Action Schedule of Compliance, or changes to that which are stated herein, are warranted, the Regional Administrator shall modify the Schedule of Compliance according to the permit modification processes under 40 CFR §270.41.
6. All raw data, such as laboratory reports, drilling logs, bench-scale or pilot-scale data, and other supporting information gathered or generated during activities undertaken pursuant to this Corrective Action Schedule of Compliance shall be maintained at the facility [or other location approved by the Regional Administrator] during the term of this Permit.

D. REPORTING REQUIREMENTS

1. The Permittee shall submit to the Regional Administrator, signed quarterly progress reports of all activities (i.e., SWMU Assessment, Interim Measures, RCRA Facility Investigation, Corrective Measures Study) conducted pursuant to the provisions of this Corrective Action Schedule of Compliance, beginning no later than ninety (90) calendar days after the Permittee is first required to begin implementation of any requirement herein. These reports shall contain:

- a. A description of the work completed;
 - b. Summaries of all findings, including summaries of laboratory data;
 - c. Summaries of all problems or potential problems encountered during the reporting period and actions taken to rectify problems; and
 - d. Projected work for the next reporting period.
2. The Permittee shall also submit to the Regional Administrator, signed monthly progress reports that provide a brief outline of the major highlights of the previous month beginning no later than thirty (30) calendar days after the Permittee is first required to begin implementation of any requirement herein.
 3. Copies of other reports (e.g., inspection reports), drilling logs and laboratory data shall be made available to the Regional Administrator upon request.
 4. As specified under Permit Condition III.C.5., the Regional Administrator may require the Permittee to conduct new or more extensive assessments, investigations, or studies, as needed, based on information provided in these progress reports or other supporting information.

E. NOTIFICATION AND ASSESSMENT OF NEWLY IDENTIFIED SWMUs

1. The Permittee shall notify the Regional Administrator in writing of any newly-identified SWMU(s) (i.e., a unit not specifically identified during the RFA), discovered during the course of groundwater monitoring, field investigations, environmental audits, or other means, no later than fifteen (15) calendar days after discovery.
2. After such notification, the Regional Administrator may request, in writing, that the Permittee prepare a Solid Waste Management Unit (SWMU) Assessment Plan and a proposed schedule of implementation and completion of the Plan for any additional SWMU(s) discovered subsequent to the issuance of this Permit.

F. NOTIFICATION REQUIREMENTS FOR NEWLY DISCOVERED RELEASES AT SWMUs

The Permittee shall notify the Regional Administrator, in writing, of any release(s) of hazardous waste including hazardous constituents discovered during the course of groundwater monitoring, field investigation, environmental auditing, or other activities undertaken after the commencement of the RFI, no later than fifteen (15) calendar days after discovery. Such newly-discovered releases may be from newly-

identified units, from units for which, based on the findings of the RFA, the Regional Administrator had previously determined that no further investigation was necessary, or from units investigated as part of the RFI. The Regional Administrator may require further investigation of newly-identified release(s). A plan for such investigation will be reviewed for approval as part of the RFI Workplan.

G. RCRA FACILITY INVESTIGATION (RFI)

1. RFI Workplan

Within ninety (90) calendar days after the effective date of this Permit, the Permittee shall submit a Workplan to the Regional Administrator to address those units, releases of hazardous waste, including hazardous constituents, and media of concern which, based on the results of the RFA, require further investigation.

The Workplan shall describe the objectives of the investigation and the overall technical and analytical approach to completing all actions necessary to characterize the nature, direction, rate, movement, and concentration of releases of hazardous waste including hazardous constituents from specific units or groups of units, and their actual or potential receptors. The Workplan shall detail all proposed activities and procedures to be conducted at the facility, the schedule for implementing and completing such investigations, the qualifications of personnel performing or directing the investigations, including contractor personnel, and the overall management of the RFI.

In addition, the Workplan shall discuss sampling and data collection quality assurance and data management procedures, including formats for documenting and tracking data and other results of investigations, and health and safety procedures.

The Permittee shall follow the scope of work for the RFI Workplan found in the Corrective Action Plan (Attachment II).

After the Permittee submits the Workplan, the Regional Administrator will either approve or disapprove the Workplan in writing.

If the Regional Administrator disapproves the Workplan, the Regional Administrator shall either (1) notify the Permittee in writing of the Workplan's deficiencies and specify a due date for submittal of a revised Plan, or (2) revise the Workplan and notify the Permittee of the revisions. This modified Workplan becomes the approved RFI Workplan.

The Regional Administrator shall review for approval as part

of the RFI Workplan any plans developed pursuant to Permit Condition III.E.2. addressing further investigations of newly identified SWMUs, or Section III.F. addressing new releases from previously-identified units. The Regional Administrator shall modify the Schedule of Compliance either according to procedures in Section III.M. of this Permit, or according to the permit modification procedures under 40 CFR §270.41, to incorporate these units and releases into the RFI Workplan.

2. RFI Workplan Implementation

No later than thirty (30) calendar days after the Permittee has received written approval from the Regional Administrator for the RFI Workplan, the Permittee shall begin implementation of the RCRA Facility Investigation according to the schedules specified in the RFI Workplan. Pursuant to Permit Condition III.C.4., the RFI shall be conducted in accordance with the approved RFI Workplan.

3. RFI Final Report and Summary Report

Within sixty (60) calendar days after completion of the RFI, the Permittee shall submit an RFI Final Report and Summary Report. The RFI Report shall describe the procedures, methods, and results of all facility investigations of SWMUs and their releases, including information on the type and extent of contamination at the facility, sources and migration pathways, and actual or potential receptors. The RFI Final Report shall present all information gathered under the approved RFI Workplan. The RFI Final Report must contain adequate information to support further corrective action decisions at the facility. The Summary Report shall describe more briefly the procedures, methods, and results of the RFI.

After the Permittee submits the RFI Final Report and Summary Report, the Regional Administrator shall either approve or disapprove the Reports in writing.

If the Regional Administrator approves the RFI Final Report and Summary Report, the Permittee shall mail the approved Summary Report to all individuals on the facility mailing list established pursuant to 40 CFR §124.10(c)(1)(viii), within fifteen (15) calendar days of receipt of approval.

If the Regional Administrator determines the RFI Final Report and Summary Report do not fully detail the objectives stated under Permit Condition III.G.1., the Regional Administrator may disapprove the RFI Final Report and Summary Report. If the Regional Administrator disapproves the Reports, the Regional Administrator shall notify the Permittee in writing of the

Reports' deficiencies and specify a due date for submittal of a revised Final and Summary Report. The Summary Report, once approved, shall be mailed to all individuals on the facility mailing list.

H. INTERIM MEASURES

The following specific interim measures have been identified by the Regional Administrator:

1. Evaluate Underground Tanks For Point Source Releases

Within sixty (60) calendar days after the effective date of this Permit, the Permittee shall submit a Workplan with schedules to the Regional Administrator to identify and investigate all underground tanks and associated ancillary equipment that have at anytime stored hazardous waste or constituents or products that contain hazardous constituents, to determine whether releases have or are occurring from those tank systems.

The list of underground tanks and ancillary equipment to be investigated includes but is not limited to:

- a) Oil/water separator tanks;
- b) Active product and waste storage tanks;
- c) Inactive and previously removed product and waste storage tanks; and
- d) Ancillary piping and sumps.

The Permittee shall plot each underground tank system on a site map and provide the following information about each tank system:

- a) Location description;
- b) Capacity, age, dimensions and construction materials;
- c) Present status;
- d) Leak or spill history; and
- e) Types, names and characteristic (i.e., liquid, sludge) of materials stored in tanks.

If a tank system is found to be leaking or has leaked the Permittee shall initiate remedial actions in accordance with the applicable requirements under 40 CFR §264.196, or 40 CFR Part 280, Subpart F.

2. Recovery and Treatment of Contaminated Groundwater

Within sixty (60) days from the effective date of the Permit, the Permittee shall submit a Workplan for the design and operation of a pump and treat system for treating contaminated groundwater. The Workplan shall address the following elements:

- a) Technical factors of importance for the installation of the withdrawal wells, including;
 - i) Selection of the number of wells and their location based on the hydrogeology of the site, location of the plume and the type and concentration of contaminants present in the groundwater, and
 - ii) Well design and construction equipment and specifications, pumping cycles and rates, and the area of influence for each withdrawal well.
- b) The mechanism(s) and technical specifications for treatment of the groundwater;
- c) Proposed interim levels of cleanup and technical basis for such levels; and
- d) Sampling protocol for monitoring cleanup levels.

The Permittee shall treat, store and dispose of contaminated groundwater in a manner that complies with the substantive standards of RCRA. Also, all permits necessary for implementing the above interim measure shall be acquired prior to its startup.

The Permittee may use the applicable parts of the U.S. EPA interim final guidance document, RCRA Corrective Action Interim Measures Guidance, June 1988 (OSWER Directive 9902.4), for development of the Workplan.

Within thirty (30) days following the U.S. EPA's transmission of comments on the proposed Workplans for the two interim measures, the Permittee shall revise the Workplans in accordance with the U.S. EPA's comments. Within thirty (30) days following approval or modification of the Workplans, the Permittee shall implement the revised Workplans in accordance with the schedules therein.

Within sixty (60) days after the startup of the pump and treat system outlined in Interim Measure No. 2, the Permittee shall submit to the U.S. EPA a report showing the effectiveness of the pumping, the area of influence, and any changes in operation deemed appropriate.

If, based on the report the U.S. EPA determines that changes to the pump and treat operation are necessary, the Permittee shall make revisions to the Workplan in accordance with the U.S. EPA's comments.

If during the course of any activity initiated under this Corrective Action Schedule of Compliance, the Regional Administrator determines that a release or potential release of hazardous waste including hazardous constituents from a SWMU poses a threat to human health and the environment, the Regional Administrator may specify interim measures. The Regional Administrator shall determine the specific action(s) that must be taken to implement the interim measure, including potential permit modifications and the schedule for implementing the required measures. The Regional Administrator shall notify the Permittee in writing of the requirement to perform such interim measures. The Regional Administrator shall modify the Corrective Action Schedule of Compliance, either according to procedures in Section III.M. of this Permit, or according to the permit modification procedures under 40 CFR §270.41, to incorporate such interim measures into the Permit.

I. CORRECTIVE MEASURES STUDY (CMS)

1. CMS Workplan

Based on the results of the RFI and other relevant information, the Permittee shall submit a CMS Workplan that addresses all areas of contamination that require further corrective action.

The Permittee shall submit a CMS Workplan to the Regional Administrator within sixty (60) calendar days from notification of the requirement to conduct a CMS.

The CMS Workplan shall provide the following information:

- a) A description of the general approach to investigating and evaluating potential remedies;
- b) A definition of the overall objectives of the study;
- c) The specific plans for evaluating remedies to ensure compliance with remedy standards;
- d) The schedules for conducting the study; and
- e) The proposed format for the presentation of information.

If the Regional Administrator disapproves the CMS Workplan, the Regional Administrator shall either (1) notify the Permittee in writing of the Plan's deficiencies and specify a due date for submittal of a revised Workplan, or (2) revise the Plan and notify the Permittee of the revisions. This modified Plan becomes the approved CMS Workplan.

The Permittee shall follow the scope of work for the CMS Workplan found in the Corrective Action Plan (Attachment II).

2. CMS Workplan Implementation

No later than thirty (30) calendar days after the Permittee has received written approval from the Regional Administrator for the CMS Workplan, the Permittee shall begin to implement the Corrective Measures Study according to the schedules specified in the CMS Workplan. Pursuant to Permit Condition III.C.4., the CMS Workplan shall be conducted in accordance with the approved Workplan.

3. CMS Final Report

Within sixty (60) calendar days after completion of the CMS, the Permittee shall submit a CMS Final Report. The CMS Final Report shall summarize the results of the investigations for each remedy studied and of any bench-scale or pilot tests conducted. The CMS Report shall present all information gathered under the approved CMS Workplan. The final report must contain adequate information to support the Regional Administrator in the remedy selection decision-making process, described under Section III.J., of the Corrective Action Schedule of Compliance.

If the Regional Administrator determines that the CMS Final Report does not fully satisfy the information requirements specified under Permit Condition III.I.1., the Regional Administrator may disapprove the CMS Final Report. If the Regional Administrator disapproves the Final Report, the Regional Administrator shall notify the Permittee in writing of deficiencies in the Report and specify a due date for submittal of a revised Final Report.

J. CORRECTIVE MEASURES IMPLEMENTATION

Based on the results of the CMS and any further evaluations of additional remedies under this study, the Regional Administrator shall select a remedy from the remedial alternatives evaluated in the CMS that will (1) be protective of human health and the environment; (2) meet the concentration levels of hazardous constituents in each medium that the remedy must achieve to be protective of human health and the environment; (3) control the source(s) of release(s) so as to reduce or eliminate, to the maximum extent practicable, further releases that might pose a threat to human health and the environment; and (4) meet all applicable waste management requirements.

In selecting the remedy which meets the standards for remedies described above, the Regional Administrator shall consider the following evaluation factors, as appropriate:

1. Long-term reliability and effectiveness. Any potential remedy(s) may be assessed for the long-term reliability and effectiveness it affords, along with the degree of certainty that the remedy will prove successful. Factors that shall be considered in this evaluation include:
 - a) Magnitude of residual risks in terms of amounts and concentrations of waste remaining following implementation of a remedy, considering the persistence, toxicity, ability and propensity to bioaccumulate such hazardous wastes including hazardous constituents;
 - b) The type and degree of long-term management required, including monitoring and operation and maintenance;
 - c) Potential for exposure of humans and environmental receptors to remaining wastes, considering the potential threat to human health and the environment associated with excavation, transportation, redispersion or containment;
 - d) Long-term reliability of the engineering and institutional controls, including uncertainties associated with land disposal of untreated wastes and residuals; and
 - e) Potential need for replacement of the remedy.
2. Reduction of toxicity, mobility, and volume. A potential remedy(s) may be assessed as to the degree to which it employs treatment that reduces toxicity, mobility or volume of hazardous wastes including hazardous constituents. Factors that shall be considered in such assessments include:
 - a) The treatment processes the remedy(s) employs and materials it would treat;
 - b) The amount of hazardous wastes including hazardous constituents that would be destroyed or treated;
 - c) The degree to which the treatment is irreversible; and
 - d) The residuals that will remain following treatment, considering the persistence, toxicity, mobility and propensity to bioaccumulate such hazardous wastes including hazardous constituents.
3. The short-term effectiveness of a potential remedy(s) may be assessed considering the following:
 - a) Magnitude of reduction of existing risks;

- b) Short-term risks that might be posed to the community, workers, or the environment during implementation of such a remedy, including potential threats to human health and the environment associated with excavation, transportation, and redisposal or containment; and
 - c) Time until full protection is achieved.
4. Implementability. The ease or difficulty of implementing a potential remedy(s) may be assessed by considering the following types of factors:
- a) Degree of difficulty associated with constructing the technology;
 - b) Expected operational reliability of the technologies;
 - c) Need to coordinate with and obtain necessary approvals and permits from other agencies;
 - d) Availability of necessary equipment and specialists; and
 - e) Available capacity and location of needed treatment, storage and disposal services.
5. Cost. The types of costs that may be assessed include the following:
- a) Capital costs;
 - b) Operation and maintenance costs;
 - c) Net present value of capital and operation and maintenance costs; and
 - d) Potential future remedial action costs.

K. PERMIT MODIFICATION FOR REMEDY

Based on information the Permittee submits in the RFI Final and Summary Reports, the CMS Final Report, and other information; the Regional Administrator will select a remedy and initiate a major permit modification to this permit, pursuant 40 CFR §270.41.

The modification shall specify the selected remedy and include, at a minimum, the following:

1. Description of all technical features of the remedy that are necessary for achieving the standards for remedies established under Permit Condition III.J., including length of time for which compliance must be demonstrated at specified points of compliance;

2. All concentration levels of hazardous constituents in each medium that the remedy must achieve to be protective of human health and the environment;
3. All requirements for achieving compliance with these concentration levels;
4. All requirements for complying with the standards for management of wastes;
5. Requirements for removal, decontamination, closure, or post-closure of units, equipment, devices or structures that will be used to implement the remedy;
6. A schedule for initiating and completing all major technical features and milestones of the remedy;
7. Requirements for submission of reports and other information; and
8. A cost estimate for completion of the remedy.

L. FINANCIAL ASSURANCE FOR CORRECTIVE ACTION

Within sixty (60) calendar days after this Permit has been modified, the Permittee shall demonstrate financial assurance for completing the approved remedy, as required under 40 CFR §264.101(b).

The demonstration shall be based on the cost estimate for completion of the corrective action remedy described in Condition III.K.8.

M. MODIFICATION OF THE CORRECTIVE ACTION SCHEDULE OF COMPLIANCE

If at any time the Regional Administrator determines that modification of the Corrective Action Schedule of Compliance is necessary, he or she may initiate a modification, to the Schedule of Compliance according to the procedures of this Section. If the Regional Administrator initiates a modification, he or she shall:

1. Notify the Permittee in writing of the proposed modification and the date by which comments on the proposed modification must be received;
2. Publish a notice of the proposed modification in a locally distributed newspaper, mail a notice to all persons on the facility mailing list maintained according to 40 CFR §124.10(c)(1)(viii), and place a notice in the facility's information repository (i.e., a central source of all pertinent documents concerning the remedial action, usually maintained at the facility or some other public place, such as a public library, that is accessible to the public) if one is required.

- a. If the Regional Administrator receives no written comment on the proposed modification, the modification shall become effective five (5) calendar days after the close of the comment period.
 - b. If the Regional Administrator receives written comment on the proposed modification, the Regional Administrator shall make a final determination concerning the modification after the end of the comment period.
3. Notify the Permittee in writing of the final decision.
- a. If no written comment was received, the Regional Administrator shall notify individuals on the facility mailing list in writing that the modification has become effective and shall place a copy of the modified Corrective Action Schedule of Compliance in the information repository, if a repository is required for the facility.
 - b. If written comment was received, the Regional Administrator shall provide notice of the final modification decision in a locally distributed newspaper and place a copy of the modified Corrective Action Schedule of Compliance in the information repository, if a repository is required for the facility.

Modifications that are initiated and finalized by the Regional Administrator according to this procedure shall not be subject to administrative appeal.

Modifications to the Corrective Action Schedule of Compliance do not constitute a reissuance of the Permit.

IV. TOXICITY CHARACTERISTIC (55 Fed. Reg. 11799, March 29, 1990)

- A. The Permittee must use the Toxicity Characteristic Leaching Procedure (TCLP) (55 Fed. Reg. 11863, to be codified in Appendix II of 40 CFR Part 261), or use knowledge of the waste, to determine whether a waste exhibits the characteristic of toxicity, as defined in 40 CFR 261.24. Use of the TCLP does not exempt the Permittee from also using the Extraction Procedure (EP) toxicity test if required by the State permit conditions.
- B. As required by 40 CFR 270.42(g)(1)(v), if the Permittee is managing newly regulated waste in a previously unregulated land disposal unit, the Permittee must certify to the Regional Administrator by September 25, 1991, that such unit is in compliance with all applicable 40 CFR Part 265, Subparts F and H groundwater monitoring and financial responsibility requirements. Failure to certify will result in the loss of interim status for such unit.

- C. Within 30 calendar days after the effective date of this permit, the Permittee must submit to the Regional Administrator a revised Waste Analysis Plan pursuant to 40 CFR 264.13 which identifies the TCLP as the test method for the characteristic of toxicity.
- D. If the Permittee is managing newly regulated waste (based on the TCLP), the Permittee must submit to the Regional Administrator an application for either a Class 2 or Class 3 permit modification, as specified in 40 CFR 270.42(b) and (c). The application for the appropriate permit modification must be submitted within 180 calendar days of the effective date of this permit, and shall contain all applicable information required by 40 CFR Part 270. A copy of the modification request shall also be submitted to the State.
- E. If the Permittee is managing newly regulated wastes (based on the TCLP) in units permitted in the State portion of this permit, the Permittee shall operate those units in accordance with the State permit.
- F. This permit does not cover the management of newly regulated hazardous waste in previously unregulated units. If the Permittee is managing newly regulated waste (based on TCLP) in previously unregulated units, those units must be managed in accordance with the interim status standards contained in 40 CFR Part 265.

V. SCHEDULE OF COMPLIANCE

Facility Submission Requirements

Due Date

A. Toxicity Characteristic

Revised Waste Analysis Plan

Thirty (30) calendar days
after the effective date
of the permit.

Application for permit modification

One hundred and eighty
(180) calendar days after
the effective date of the
permit.

Certification of compliance with
40 CFR Part 265, Subpart F and H

September 25, 1991.

Facility Submission Requirements

Due Date

B. Corrective Action

Notification of newly-identified
SWMUs

Fifteen (15) calendar
days after discovery.

Notification of newly-discovered
releases

Fifteen (15) calendar
days after discovery.

Progress reports on all activities

Monthly, no later than
thirty (30) calendar
days after Permittee
is required to begin
implementation and
quarterly, no later
than ninety (90)
calendar days after
Permittee is required
to begin implementation.

RFI Workplan

Ninety (90) calendar days
after the effective date
of the permit.

RFI Workplan Implementation

Thirty (30) calendar
days after RFI Workplan
approval.

RFI Report and Summary Report

Sixty (60) calendar days
after completion of RFI.

Mailing of approved Summary Report

Fifteen (15) calendar
days after approval.

Interim Measures Workplan for interim
measures identified at time of
permit issuance

Sixty (60) calendar
days after the effective
date of the permit.

Revised Interim Measure Plan

Thirty (30) calendar days
following comments.

Interim Measures Implementation

Thirty (30) calendar days
following approval or modi-
fication of Workplan.

Interim Report - Interim Measures

Sixty (60) days after
startup date.

CMS Workplan

Sixty (60) calendar
days after notification
of requirements to perform
CMS.

CMS Workplan Implementation

Thirty (30) calendar
days after Workplan
approval.

CMS Final Report

Sixty (60) calendar
days after completion
of CMS.

Demonstration of Financial
assurance

Sixty (60) calendar
days after permit
modification for remedy.

**RESPONSE TO COMMENTS
REGARDING THE ISSUANCE OF THE
RESOURCE CONSERVATION AND RECOVERY ACT (RCRA)
HAZARDOUS WASTE OPERATING PERMIT
TO
GENERAL ELECTRIC COMPANY
ONE NEUMANN WAY
EVENDALE, OHIO 45215
U.S. EPA I.D. NO. OHD 000 817 312**

INTRODUCTION:

This response is issued pursuant to 40 Code of Federal Regulations (CFR) Section 124.17, which requires that when any final permit decision is issued, the United States Environmental Protection Agency (U.S. EPA) shall describe and respond to all significant comments submitted in writing during the public comment period or raised during any public hearing held by the U.S. EPA; specify which provisions of the draft permit decision have been changed and the reason for the change; include in the administrative record for the final permit decision any documents cited in the response to comments; and make the response to comments available to the public.

The public comment period commenced on August 4, 1990, with a public notice in the Cincinnati Enquirer and on WMILX in Cincinnati, Ohio. A public hearing was scheduled and announced in the public notice. The public hearing was scheduled for and was held September 5, 1990, at Princeton High School, Cincinnati, Ohio. The public comment period ended on September 17, 1990.

COMMENTS AND RESPONSES:

All of the comments on the draft Federal Permit were submitted by the Permittee, General Electric Company (GE). These comments were divided into six categories. The response to comments will be divided into these same 6 categories.

A. Solid Waste Management Unit Designations

1. Comment:

GE requested deletion of 11 Solid Waste Management Units (SWMUs) and one Area of Concern (AOC) from the list in Attachment I of the Permit and RFA Report, as previously requested in its letter of June 6, 1990.

Response:

After further review of the information, the U.S. EPA has reconsidered its designations of 5 SWMUs (Nos. 51, 53, 66, 71 and 133) and 1 AOC (V) and has omitted them from the list in Attachment I and, correspondingly, in the RFA Report. However, it retains its designations for the other 6 SWMUs (Nos. 128-32 and 135). Although all 6 SWMUs represent air emission equipment and are operated pursuant to air permits, they accumulate particulates which need to be managed as RCRA wastes when removed.

B. Suggested Further Actions

2. Comment:

GE requests that "suggested further actions" recommendations in Attachment V of the draft Federal Permit be modified for 39 SWMUs and 4 AOCs.

SWMU 18 - no further action - based on cleanup of contaminated soil and available sampling results from April 1990.

SWMUs 24 & 25 - remove "organics" sampling requirement - based on never managing wastes that contained organic constituents.

SWMU 32 - remove "metals" sampling requirement - based on no evidence that material with metal constituents were ever stored or managed by unit.

SWMU 34 - no further action - based on closure of unit in 1988 and low release potential.

SWMU 45 - no further action - based on not handling hazardous waste, and solid waste was removed in 1984.

SWMU 77 - no sampling - based on historic data that will address any concerns about contamination.

SWMUs 85-104 - no further action - based on GE's position that they are not SWMUs and never managed hazardous waste.

SWMU 116 - no further action - based on no knowledge of any continuous and routine releases of hazardous substances from the units.

SWMUs 117-124 - no further action - based on no knowledge of releases of hazardous waste or substances from the units.

SWMUs 125-127 - no further action - based on not providing information on releases from the facility.

AOCs, A,D,V - no further action - based on not knowing locations of the three AOCs.

AOC T - no further action - based on small volume of the spill and protection against releases.

Response:

A response to each comment is presented as follows:

SWMU 18 - The data presented by GE as Exhibit B in its comment submittal has not been evaluated by the U.S. EPA. After evaluation is made of the data, the U.S. EPA will make a determination regarding any further action at SWMU 18.

SWMUs 24 & 25 - The U.S. EPA allows the removal of organics analyses considering the historical use of the units and the composition of sermetal paint residues stored in the unit.

SWMU 32 - The U.S. EPA allows the removal of metals analyses based on the historical use of the unit and the make-up of the material stored in the unit.

SWMU 34 - The U.S. EPA is concerned about possible metals contamination from the ECM system and requires that any further action associated with the unit involve metals analysis.

SWMU 45 - The U.S. EPA allows for this change, contingent upon analysis on the codep pile.

SWMU 77 - The U.S. EPA denies this request because GE's permit application states that cyanide waste had been managed in the unit and, presently, there is insufficient information to make a determination about releases from the unit.

SWMUs 85-104 - The U.S. EPA denies this request on the basis that it considers them as SWMUs and that they are possible sources of releases of hazardous waste or constituents.

SWMU 116 - The U.S. EPA allows this request considering that any releases would be adequately addressed through investigations of other areas within the facility.

SWMU 117-124 - The U.S. EPA denies this request because these units are potential sources of releases and they have not been investigated to make a determination about their elimination from consideration.

SWMUs 125-127 - The U.S. EPA denies this request because it considers them as potential sources of releases and they discharge into adjacent surface waters.

AOCs A, D, V, T - The U.S. EPA denies this request, but has determined that investigations associated with the RFI Workplan will adequately address releases attributable to these areas.

C. Interim Measures

3. Comment:

GE proposes that the draft Federal Permit be modified to limit interim measures to plume definition and remediation of the 301/306 UST area, investigation of a lengthy UST piping system, and design and operation of a pump and treat system to contain a few specific "hot spots" of groundwater contamination.

Response:

Subsequent discussions with the Permittee have produced a mutually agreeable modification of the interim measures in the Federal Permit. These modifications do not alter most of the present interim measures in any significant manner. The changes to the permit are as follows:

a) Underground Tank Evaluation

The evaluation of underground tanks will be limited to an inventory of the tanks, following the list and information requirements described in the Permit. The assessment of the tanks will be deferred and incorporated into the RFI Workplan. Added to the interim measures is an assessment of an underground fuel line located along the east side of the facility which, at one time connected the east and south tank farms. Also added is the remedial action associated with cleanup of fuel released from the Building 301/306 underground storage tank area. Actions include the installation of groundwater monitoring wells, monitoring of the groundwater and a pump and treat system for groundwater recovery.

b) Recovery and Treatment of Contaminated Groundwater

Withdrawal wells will be placed at two locations within the southeast and southwest sections of the facility. These two areas represent the areas of greatest concentration of hazardous constituents in the groundwater identified at the facility. These are also areas where plumes of contamination have the greatest potential for moving off site.

The above modifications to Interim Measures will be developed within the framework of the Interim Measures Workplan.

Change: In Section III.H.1., delete paragraphs 4, 5 and 6.

4. Comment:

GE requests that the remedial action requirement listed in Section III.H.1., last paragraph, be modified because the language is vague and confusing. GE proposes its own language as a substitute for the permit.

Response:

The U.S. EPA denies GE's proposal to substitute its own language for the language in the draft Federal Permit because it is unnecessary. However, the U.S. EPA understands GE's concern that more than one regulation may govern the management of underground tanks at the site. Therefore, it is adding the reference to 40 CFR Part 280, Subpart F in the permit for applicable product storage tanks.

Change: Delete "applicable" before "requirements" and add "or 40 CFR Part 280, Subpart F" after "40 CFR 264.196" in Section III.H.1., last paragraph.

5. Comment:

GE requests that in Section III.H.2., 4th paragraph, the review and modification process should be modified. GE proposes a substitute process that incorporates dispute resolution.

Response:

The process which GE refers to here as "Review and Modification Procedures" is, in fact, the process by which the U.S. EPA approves or disapproves the workplans submitted by the Permittee. The Regional Administrator has the authority to approve or disapprove all workplans submitted by the permittee for the Interim Measures. The permit states that (in the event that the U.S. EPA disapproves the Interim Measures Workplans) "the Permittee shall revise the Workplans in accordance with the U.S. EPA's comments." The Permittee's comment requests thirty (30) rather than fifteen (15) days in which to submit a revised Workplan in the event of the U.S. EPA disapproval. The Permittee also requests a forty five a (45) day period in which to prepare a revised Workplan, which is then to be the subject of further comments, which GE would either accept or reject. It is unclear whether the Permittee is requesting thirty (30) days or forty five (45) days in which to revise a workplan. What is clear is that the

Permittee is proposing that the U.S. EPA should engage in a protracted process of offer and counteroffer, with the proposed process culminating in some form of dispute resolution. The U.S. EPA foresees no need here for disputes, nor for the inclusion in the permit of time consuming mechanisms for resolution. The permit itself offers detailed guidance for the formulation of the Workplan and greater detail is available in the regulations and guidance document referenced by this permit section. If the Permittee is unable to prepare an approvable Workplan based on this guidance, the permit provides that the U.S. EPA shall specify those revisions necessary for approval.

Compliance with the terms of the Federal permit is not discretionary for GE. Compliance is a prerequisite for engaging in hazardous waste disposal. "Disputes" presuppose a consensual agreement, whereas RCRA permit compliance is mandatory if GE wishes to store hazardous waste. In the unusual event that permit terms can be demonstrated to be inappropriate, GE may utilize the permit modification procedures available to all permittees.

Compliance schedule modifications may be granted by the Regional Administrator as specified in 40 CFR 270.41 and 270.42. The Permittee may request the modification of any decision of the Regional Administrator on, (i) the workplans, reports, or results submitted by the Permittee under this permit, or (ii) the activities required as a result of such submittals; and such requests shall be treated as a request for permit modification, as provided in 40 CFR 124.5.

Change: None

D. Dispute Resolution

6. Comment:

GE requests that a dispute resolution procedure be included in the Permit. GE proposes a procedure for dispute resolution that is drawn directly from Section 3008(h) of RCRA Orders.

Response:

This comment essentially restates GE's request that a mechanism for dispute resolution should be inserted in the permit; but while the previous comment was specific to the Interim Measures Workplan, this comment requests that procedures for dispute resolution should be provided for all sections of the permit which deal with U.S. EPA's authority to approve workplans.

The response given to the previous comment on the "review and modifications" of Workplan applies with equal force to this comment.

Change: None

E. Timetable For Activities

7. Comment:

GE requests that some of the facility submission requirement due dates in Section V. of the Permit be modified to make achievement of the deadlines possible. The proposed changes in due dates are as follows:

<u>Submission</u>	<u>Due Date</u>
Section V.A. Application for permit modification.	Change from 180 days to 270 days.
Section V.B. Progress reports on all activities.	Change from monthly to quarterly reports.
RFI Workplan	Change to indicate the workplan has been submitted.
RFI Workplan implementation	Change from 15 days to 30 days.
Interim Measures Workplan	Change from 30 days to 60 days.
Revised Interim Measures	Change from 15 days to 30 days.
Interim Measures implementation	Change from 15 days to 30 days.
CMS Workplan implementation	Change from 15 days to 30 days.

Response:

The U.S. EPA grants some of the changes and denies others. A breakdown of each response is presented below:

Section V.A. Application for permit modification - The U.S. EPA denies this change because it coincides with the 6 month timeframe allowed under the new TC Rule (55 FR 11798).

Change: None

Section V.B. Progress reports on all activities - The U.S. EPA allows the use of quarterly reports for providing detailed summaries of activities over the previous 3 months but retains the requirement for monthly reports. The monthly report should be restricted to a brief outline of major highlights of the previous month.

Change: On page 11, Section III.D.1, the word "monthly" shall be changed to "quarterly" and "thirty (30) calendar days" changed to "ninety (90) calendar days."

On page 12, insert above Section III.D.2., " 2. The Permittee shall also submit to the Regional Administrator, signed monthly progress reports that provide a brief outline of the major highlights of the previous month, beginning no later than thirty (30) calendar days after the Permittee is first required to begin implementation of any requirement herein."

On page 12, change "D.2." to "D.3." and "D.3." to "D.4."

On page 24, Section V.B., add "and quarterly, no later than ninety (90) calendar days after Permittee is required to begin implementation."

Section V.B. RFI Workplan - The U.S. EPA acknowledges that the RFI workplan has already been submitted but has determined that the timeframes for submissions should start with the effective date of the permit.

Change: None

Section V.B. RFI Workplan Implementation - The U.S. EPA grants this change, because the complexity of the Permittee's budget allocation process requires the additional time.

Change: On page 14, Section II.G.2., change "fifteen (15) calendar days" to "thirty (30) calendar days"

On page 24, Section V.B., change "fifteen (15) calendar days" to "thirty (30) calendar days."

Section V.B. Interim Measures Workplan - The U.S. EPA allows this change given the scope of issues to be addressed in the Workplan.

Change: On page 15, Section III.H.1., change "thirty (30) calendar days" to "sixty (60) calendar days."

On page 16, Section III, H.2., change "thirty (30) calendar days" to "sixty (60) calendar days."

On page 25, Section V.B., change "Thirty (30) calendar days" to "Sixty (60) calendar days."

Section V.B. Revised Interim Measures - The U.S. EPA has allowed this change because of the complexity of the interim measures.

Change: On page 16, Section III, H.2., change "fifteen (15) calendar days" to "thirty (30) calendar days."

On page 25, Section V.B., change "Fifteen (15) calendar days" to "Thirty (30) calendar days."

Section V.B. Interim Measures Implementation - The U.S. EPA has allowed this change, given the Permittee's lengthy administrative procedures for complying with this requirement.

Change: On page 16, Section III.H.2., change "fifteen (15) calendar days" to "thirty (30) calendar days."

On page 25, Section V.B., change "Fifteen (15) calendar days" to "Thirty (30) calendar days."

Section V.B. CMS Workplan implementation - The U.S. EPA has allowed this change because the complexity of the Permittee's budget allocation process requires additional time.

Change: On page 18, Section III.I.2., change "fifteen (15) calendar days" to "thirty (30) calendar days."

On page 25, Section V.B., change "Fifteen (15) calendar days" to Thirty (30) calendar days".

F. Specific Questions and Comments

8. Comment:

GE requested that a "force majeure" clause be added to the Permit in Section I.D.1 and provided suggested language to address this issue.

Response:

As noted above, compliance schedule modifications may be granted by the Regional Administrator. 40 CFR 270.41(a)(4) specifically addresses the issue of modification of a compliance schedule when good cause exists "such as an act of God, strike, flood, or materials shortage or other events over which the permittee has little or no control and for which there is no reasonably available remedy." This regulation obviates any need for a force majeure clause in the permit language.

Change: None

9. Comment:

GE requested that the phrase "at all times" in Section I.D.6. be modified to accommodate exceptions for shutdowns due to normal maintenance and operational procedures, breakdowns or other unforeseeable or uncontrollable conditions.

Response:

The U.S. EPA denies this request. Although "at all times" is stated in the Permit, the U.S. EPA fully understands that conditions outside the control of the Permittee can occur in a way that can affect the ability to achieve compliance with the Permit. These factors will be fully considered when evaluating the Permittee's compliance with this provision.

Change: None

10. Comment:

GE requested that the first sentence in Section I.D.8. be amended to add the phrase "subject to national security and private proprietary restrictions as governed by applicable laws and restrictions" after the word "law."

Response:

The U.S. EPA denies this change because the language in the Permit already requires the U.S. EPA to comply with applicable law.

Change: None

11. Comment:

GE requests that Section I.D.8.d. be limited to "RCRA-regulated substances or parameters."

Response:

The U.S. EPA denies this change because RCRA inspections are concerned with RCRA regulated substances and parameters. No change is needed.

Change: None

12. Comment:

GE proposes to add in Section I.D.10. the words "significant, material" between the words "any" and "planned". Also, add the phrase "which would result in material noncompliance with the terms and conditions of this permit" after the word "facility."

Response:

The U.S. EPA denies this change because the Federal Permit is an operating permit and applies to corrective action terms and conditions. However, as a point of clarification, the U.S. EPA understands that GE make's a vast number of changes at its facility on an annual basis and suggests that GE notify the U.S. EPA of any changes which may result in noncompliance with the terms of this permit.

Change: None

13. Comment:

GE requests that in Section I.D.11. of the Permit, the word "would" be substituted for the word "may" to add clarity and materiality to the requirement.

Response:

The U.S. EPA denies this request because it would place the decision as to what constitutes noncompliance with permit requirements solely with the Permittee. However, the U.S. EPA anticipates that GE will exercise sound judgement in meeting its requirements under Section I.D.11.

Change: None

14. Comment:

GE requests that in Section I.D.14. of the Permit, the words "is likely to" be substituted for the word "may" in the first sentence and the word "could" in sub-item(b). Also, GE presents its interpretation of the reporting requirements for releases to mean new or newly-discovered releases.

Response:

The U.S. EPA denies this request. See comment 14 for response. The U.S. EPA agrees with GE's interpretation of releases in Section I.D.14.

Change: None

15. Comment:

In Section I.D.15., GE requests an interpretation of the words "all other instances of noncompliance" and suggests the addition of the words "significant, material" before "noncompliance."

Response:

The U.S. EPA denies the change because it requires the Permittee to report all noncompliances with the terms and conditions of this Permit. The interpretation of the significance and material nature of the noncompliance is the responsibility of the U.S. EPA.

Change: None

16. Comment:

Section II.A.2. should be amended to include "except as provided in 40 CFR 268.3(b)" at the end of the paragraph.

Response:

This change was made to reflect the language in 55 FR 22520.

Change: Add the words "except as provided in 40 CFR 268.3(b)" after "Section 3004."

17. Comment:

GE requests that Sections II.B.2.,3., and 4. be deleted because they do not treat or dispose of waste on site.

Response:

The U.S. EPA denies this request because Section II.B.2.,3., and 4. relate to standard requirements for treating restricted wastes under 40 CFR Part 268, Subpart D and are not dependent upon the facility treating or disposing of wastes on site.

Change: None

18. Comment:

GE questions the accuracy of the numbers presented in Section III.A., 5th paragraph on the basis that it is unable to verify the numbers. Also, GE requests that the word "may" be inserted after the word "above" in the last sentence of Section III.A.

Response:

Subsequent to discussions with GE, the number of SWMUs was determined to be 135 and the number of AOCs at 22. The U.S. EPA allows the insertion of the word "may" because it helps to clarify the statement on areas requiring further investigation.

Change: In Section III.A.,1st.par., change the number of SWMUs from "141" to "135."
In Section III.A., 2nd. par., change the number of AOCs from "22" to "20."
In Section III.A., 5th. par., change the number of AOCs from "24" to "22."
In Section III.A., 6th. par, insert the word "may" after the word "above" in the last sentence.

19. Comment:

GE requests that the definition for "Facility" in Section III.B. be modified to add", not including the Mill Creek and railroad right-of-way, which passes through the Facility."

Response:

The definition to which the Permittee refers in this comment reads:

"Facility" means all contiguous property under the control of the owner or operator seeking a permit under subtitle C of RCRA.

The permittee has indicated by maps and aerial photographs the area and extent of contiguous property under its ownership and control. This includes property on both sides of the railroad right-of-way and on both sides of Mill Creek. All of this property is included in the definition of "facility" and no parcel of this property is excluded from the definition merely by being separated from another parcel by an intervening railroad right-of-way or a creek.

The commenter should note that the term "contiguous" is itself defined as "in close proximity; neighboring, adjoining". HENRY CAMPBELL BLACK, BLACK'S LAW DICTIONARY (1979). The term does not mean "undivided."

If the commenter is concerned as to whether the "Creek and railroad right-of-ways" are included within the definition of "facility", the commenter should be advised that this question is covered by the language of the permit's definition which refers to "all property under the control of the owner or operator seeking a permit."

Change: None

20. Comment:

GE requests that in the last sentence in Section III.B., the definition of "hazardous waste" should be deleted since it exceeds the statutory definition found in 42 U.S.C. §6903.

Response:

The U.S. EPA allows for the deletion of the last sentence because it is an unnecessary statement and does not limit any of the U.S. EPA's authority to address corrective action at the facility.

Change: In Section III.B., definition of "hazardous waste", delete the last sentence "The term hazardous waste includes hazardous constituents as defined below."

21. Comment:

GE requests that in Section III.C.2., the first sentence should be modified to add the phrase "to address hazardous waste originating from the facility" after the word "environment."

Response:

The U.S. EPA allows the change but adds the words "and hazardous constituents" after the word "waste."

Change: In Section III.C.2., add the phrase "to address hazardous waste and hazardous constituents originating from the facility."

22. Comment:

GE requests that in Section III.C.3., the signature and certification requirement of 40 CFR § 270.11 be removed and, instead, the person identified in the RFI Workplan as the GE Facility Contact, or his/her designee, be given the authority to sign and certify these documents.

Response:

The U.S. EPA is bound by law to require compliance with 40 CFR 270.11. The U.S. EPA notes that 270.11(b) provides for a delegation of authority within the permitted company to comply with the signature and certification requirement. These provisions must be followed to ensure compliance with the applicable regulations.

Change: None

23. Comment:

GE proposes that requirements for data retention in Section II.C.6. be limited to 3 years after the date the data is generated.

Response:

The U.S. EPA denies this request because corrective action and the need for reviewing data may well extend beyond three years from generation. However, the term of this Permit is 10 years and it has been determined that time period is sufficient for maintaining raw data. The U.S. EPA suggests that GE make a request whenever GE wishes to cease retaining any particular data, specifying each item subject to that request.

Change: In Section III.C.6., delete the phrase in the last sentence "including any reissued permits."

24. Comment:

GE requests that in Section III.D.1., the reporting requirements be changed from "monthly" to "quarterly."

Response: See Response to Comment no. 6 relating to reporting requirements.

Change: Same as Change under Comment no. 6.

25. Comment:

GE requests that the requirement for reporting new SWMUs should be limited to those units that manage hazardous waste and only after a verified observation has been made.

Response:

The U.S. EPA denies this request because all releases must be addressed pursuant to 40 CFR 264.101. The proposed change places limitations on U.S. EPA's authority to address releases at the facility. The U.S. EPA understands that where there is serious question surrounding the identification of a SWMU, that some level of substantiation be made before reporting it. However, this does not mean waiting until after sample data has been acquired.

Change: None

26. Comment:

GE proposes that in Section III.F., the term "release" be modified to add "of a significant, material quantity" and that the phrase "of a waste or constituent not already known to be present at or from the SWMU" be added to the first sentence after the word "constituents."

Response:

The U.S. EPA denies this request because all releases must be addressed pursuant to 40 CFR 264.101. The proposed changes place limitations on the U.S. EPA's authority to address releases at the facility. As a point of clarification, the term "releases" as it applies to Section III.F., refers to newly discovered releases that are outside of the scope of the investigation associated with the RFI Workplan.

Change: None

27. Comment:

GE requests that the submittal of an RFI Workplan in Section III.G.1., be deleted since the Workplan had already been submitted in mid-July, 1990.

Response:

See Response to Comment No. 6 relating to RFI Workplan submittal

Change: None

28. Comment:

GE requests that the deadline to implement the RFI Workplan in Section III.G.2. should be extended from "15" days to "30" days after GE's receipt of the U.S. EPA's approval.

Response:

See Response to Comment No. 6 relating to RFI Workplan Implementation.

Change: See Change to Comment no. 6.

29. Comment:

GE assumes that the U.S. EPA will develop, maintain and make available to GE the "facility mailing list" referenced in Section III.G.3.

Response:

The facility mailing list has been developed and will be made available to GE.

Change: None

30. Comment:

GE references Section III (C) on Interim Measures comments.

Response: See Response to Comment 3, 4 and 5 relating to Interim Measures.

Change: See Changes to Comments 3, 4 and 5.

31. Comment:

GE proposes that the dispute resolution concept in Section III (D) of the comments be substituted for the current review and modification procedure.

Response: The U.S. EPA denies this request. See response to comment no. 6.

Change: None

32. Comment:

GE requests that the submittal date in Section III.I.2. to implement the CMS Workplan be extended from "15" days to "30" days.

Response:

See Response and Change to Comment No. 6 relating to CMS Workplan Implementation.

33. Comment:

GE assumes that the existing "financial test" method found in 40 CFR 264.143 (f), will be acceptable in demonstrating "financial assurance."

Response:

The provisions for demonstrating financial assurance under 40 CFR 264.143 allow for choosing the options as specified in paragraph (a) through (f) of the section. GE can use any one of the options as long as it can satisfy the requirements specified in the option used.

Change: None

34. Comment:

GE requests that the modification procedures described in Section III.M. incorporate a dispute resolution procedure in it.

Response: Refer to Response to Comment No. 6

Change: None

Determinations:

Based on a full review of all relevant data provided the U.S. EPA, it has determined that this permit contains such terms and conditions necessary to protect human health and the environment.